

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/080,034 02/21/2002	William Peter Van Antwerp	G&C 130.28-US-U1	6773	
22462 7590 12/23/2002				
GATES & COOPER LLP		EXAMIN		
HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 10	50	CHISM, B	CHISM, BILLY D	
LOS ANGELES, CA 90045	30			
EGG MIGELES, CIT 700 15		ART UNIT	PAPER NUMBER	
		1654		
		DATE MAILED: 12/23/2002)	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/080,034	VAN ANTWERP ET AL.			
Office Action Summary	Examiner	Art Unit			
	B. Dell Chism	1654			
The MAILING DATE of this communication app Period for Reply	ars on the cover she twith the c	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	6(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
1) Responsive to communication(s) filed on	·				
2a) ☐ This action is FINAL . 2b) ☑ Thi	s action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims					
4) \square Claim(s) <u>1-32</u> is/are pending in the application					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) <u>1-32</u> are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11) The proposed drawing correction filed on					
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) All b) Some * c) None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
a) ☐ The translation of the foreign language pro- 15)☐ Acknowledgment is made of a claim for domesti					
Attachment(s)	-				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal I	y (PTO-413) Paper No(s) Patent Application (PTO-152)			
Patent and Trademark Office					



Application/Control Number: 10/080,034

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DETAILED ACTION

Election/Restrictions

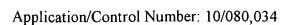
- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-14, drawn to heterodimeric complex composition of a first and second insulin species, classified in class 514, subclass 3.
 - II. Claims 15-26, drawn to methods of making and stabilizing a heterodimeric complex composition of a first and second insulin species, classified in class 435, subclass 69.1.
 - III. Claims 27-32, drawn to method of identifying a stabilized insulin composition, classified in class 435, subclass 7.1.
- 2. The inventions are distinct, each from the other because:

The product of Group I is related to the methods of Group II as a product and process of making the product. The inventions are distinct if either or both of the following can be shown:

(1) that the process as claimed can be used to make another and materially different product or

(2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made recombinantly or made by chemical peptide synthesis.

The product of Group I and the process of using the product of Group III are distinct inventions as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be



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practiced with another materially different product or (2) the product as claimed can be use in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the proteins of Group I can be used for molecular weight markers, antibody production, binding assays or immunoassays.

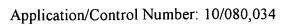
The processes of Group II and III are distinct inventions wherein the two groups of methods are independent, using separate method steps, active agents, and having different effects.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Dell Chism whose telephone number is 703-306-5815. The examiner can normally be reached on 7:30 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 703-306-3220. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-1235.

B. Dell Chism

19 December 2002